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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,260	10/19/2001	Mark Alan Winkler	501606	7810
23460 7590 09/19/2007 LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6731			EXAMINER FISHER, MICHAEL J	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/083,260	<b>Applicant(s)</b> WINKLER ET AL.	
	<b>Examiner</b> Michael J. Fisher	<b>Art Unit</b> 3629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-9 and 11-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 7-9, 11, 13, 14, 16-24, 33-35, 37-42 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by US PAT 7,020,701 to Gelvin et al. (Gelvin).

As to claims 1, 33, Gelvin discloses a web-based information management system (abstract, lines 1-4), a production database (820, fig 9) that receives data (fig 9), via a network (fig 9), information concerning at least one, physical characteristic of a plurality of tires (col 44, lines 33-35) of a fleet (col 75, lines 22-25), an information management server accessing the data for processing (col 75, lines 24-31), with web pages (col 75, lines 62-65), Gelvin discloses allowing "thin clients" to access the system, (thin clients are those who subscribe to the service).

As to claim 39, the data is uploaded to the server (fig 8) and is on a "computer readable medium" as the system is performed by computers.

As to claims 2, Gelvin discloses authenticating the user (col 76, lines 58-60).

As to claims 17,32, Gelvin discloses launching an Internet browser application to perform these steps (inherent in that the Internet and web-pages are specifically mentioned).

As to claims 7,23,24, Gelvin discloses a portable computing device storing at least a portion of the fleet tire information which is synchronized via the server (col 11, lines 33-40).

As to claim 8, Gelvin discloses using the computing device to enter data (fig 17).

As to claim 9, the device is inherently a commercially available computer operating system compatible as it is a computing device and it is shown to be using an operating system (Windows) from Microsoft corporation (a commercially available operating system).

As to claim 11, the synchronization occurs when the computing device connects to the service.

As to claim 13, Gelvin discloses a graphical illustration of the vehicle (fig 12).

As to claim 14, Gelvin does not name his systems, however, Gelvin does disclose a function "OLAP" system and a "RDBMS" system to analyze and respond to queries (fig 10), anything received via the Internet is inherently available for downloading and printing as receiving information over the Internet is "downloading" and any data a computer receives can be printed.

As to claim 18, Gelvin discloses requesting and receiving information (fig 10).

As to claims 19,20,34, it would be inherent that the request contains information identifying a particular fleet or dealer else the customer would receive non-pertinent information.

As to claim 21, Gelvin discloses requesting a particular report (fig 12).

As to claims 22,35, fleet information is submitted and stored (as previously discussed) is used for a summary report (3818, fig 38A).

As to claim 37, anything received via the Internet is inherently downloading as receiving information over the Internet is "downloading".

As to claim 38, it would be inherent that a fleet profile is created as the system is shown to be used for fleets and not having a "profile" could allow the data to be sent to the wrong fleet.

As to claim 40, the information is transmitted via the Internet.

As to claim 41, as Gelvin discloses authentication (as previously discussed), there would inherently be "information entry fields" that would pertain to a particular fleet (that which the user is 'authenticated' to peruse) and the profile information is stored at the local database (fig 1).

As to claims 41,16, Gelvin discloses a graphical illustration of the vehicle (fig 12).

As to claim 42, Gelvin discloses receiving a particular report (fig 38A).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-6,12,15,25-32, 36 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelvin.

As to claim 3, Gelvin does not teach using "skins". However, using "skins" is old and well known in the Internet arts (to allow users from different countries to view material, for instance, there are letters used in other languages that are not used in English; such as the n with tilde (~) in Spanish), therefore, it would have been obvious to one of ordinary skill in the art to allow "skins" and to allow them to use different languages so the information is in the language preferred by the client to allow for the system to be used in multiple countries in the language preferred in each country by each customer.

As to claim 4, Gelvin teaches smaller "nodes" for storing information (claim 33), therefore, it would have been obvious to one of ordinary skill in the art to use regional databases with locality information to decrease the amount of information stored in each database in order to make them more easily searchable.

As to claim 5, the Internet is a global network, thereby meeting the limitations as claimed.

As to claim 6, it would be obvious to one of ordinary skill in the art to have a regional server containing the regional database to ease costs.

As to claims 12 and 43, voice recognition software is old and well known and therefore, it would have been obvious to use voice recognition software to allow the system to be more flexible and easy to use for people who prefer such software.

As to claim 15, Gelvin does not teach providing projected savings. Providing projected savings for using a service is old and well known in the art and is used as in advertising, therefore, it would have been obvious to one of ordinary skill in the art to provide projected savings of using the system in advertising to convince people to use the service.

As to claim 25, it is old and well known to print reports, therefore, it would have been obvious to one of ordinary skill in the art to print the report to provide a hard-copy in case of computer failure.

As to claim 26, Gelvin does not specifically mention entering physical inspection of individual tires. It would have been obvious to one of ordinary skill in the art to allow the user to upload inspection data on tires to allow the system to contain more accurate information.

As to claim 27, it is old and well known to print reports, therefore, it would have been obvious to one of ordinary skill in the art to print the report to provide a hard-copy in case of computer failure.

As to claim 28, the information is uploaded using the portable computing device (as previously discussed).

As to claim 29, Gelvin does not specifically mention storing the data at the management server. It would have been obvious to one of ordinary skill in the art to store the data at the management server as the information is shown to pass through the server to be provide and this would centrally retain a copy of the report in case of dispute with the customer.

As to claim 30, anything received via the Internet is inherently downloading as receiving information over the Internet is "downloading".

As to claims 31,43, voice recognition software is old and well known and therefore, it would have been obvious to use voice recognition software to allow the system to be more flexible and easy to use for people who prefer such software.

As to claim 32, Gelvin discloses a graphical illustration of the vehicle (fig 5).

As to claim 36, Gelvin does not specifically mention storing the data at the management server. It would have been obvious to one of ordinary skill in the art to store the data at the management server as the information is shown to pass through the server to be provide and this would centrally retain a copy of the report in case of dispute with the customer.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, filed 5/29/07, with respect to the rejections under 35 U.S.C. 112 have been fully considered and are persuasive. These rejections have been withdrawn.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAT 7,040,435 to Lesesky et al. discloses a method of information management for fleet tires using the Internet

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Fisher



GAU 3629

MF



9/15/07